

1 Michael Martin Zurek  
2 BK #: 25 98 420  
3 IN PRO PER  
4 James A. Musick Facility  
5 13502 James Musick Road  
6 Irvine, CA 92618

7 Cause No.:

8 LODGED  
9 20 SEP -8 PM 3:12  
10 BY:  
11 Clerk U.S. District Court  
12 Central Los Angeles  
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UNITED STATES DISTRICT COURT  
DISTRICT OF CENTRAL CALIFORNIA  
WESTERN DIVISION

IN THE MATTER OF: ) DETAINED  
10 Michael Martin Zurek, )  
11 Plaintiff, )  
12 v. )  
13 Barack OBAMA, President of the United ) Petition for Writ of  
14 States, ) Mandamus  
15 Eric H. HOLDER, Attorney General of )  
16 the United States, ) Petition to Order the  
17 Troy LUND, Los Angeles Field Office ) Adjudication of Entitlement  
18 Director, Immigration and Customs ) for the Establishment of a  
19 Enforcement, ) Law Clinic  
20 Janet NAPOLITANO, Secretary of )  
21 Homeland Security, )  
22 Sandra HUTCHENS, Sheriff and Coroner )  
23 of Orange County. )  
24 Defendants, )  
25 )

SACV 11-1367  
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RECEIVED

1 **INTRODUCTION**

2 1. Plaintiff, Mr. Michael Martin Zurek, in PRO SE, hereby files this Petition  
3 of "Writ of Mandamus". Mr. Michael Martin Zurek is seeking relief from this  
4 honorable Court by an order mandating that Defendants declare that a group of  
5 PRO BONO immigration attorneys have the right to enter the James A. Musick  
6 Facility (13502 James A. Musick Road, Irvine, CA 92618) (hereinafter, James  
7 A. Musick Facility), on a regular, reoccurring basis (at least once a week),  
8 for a reasonable amount of time, in order to establish a "Law Clinic" for the  
9 purpose of providing Plaintiff and other detainees with  
10 uncensored/unmonitored legal counsel for his/their removal proceedings to  
11 which he/they are entitled to by the Constitution of the United States.

12  
13 2. The refusal of the Defendants to accept and adjudicate Plaintiff's request  
14 that a group of PRO BONO immigration attorneys visits the James A. Musick  
15 Facility in order to establish a PRO BONO "Law Clinic" is a violation of the  
16 Immigration and Nationality Act (INA) and the Congressional intent in  
17 enacting the INA; a violation of the Administrative Procedures Act (APA); and  
18 a violation of his due process rights and his right to counsel of the  
19 Plaintiff Michael Martin Zurek.

20  
21 3. Out of the fact that Defendants denied PRO BONO immigration attorneys to  
22 establish a "Law Clinic" at the James A. Musick Facility is arising the  
23 serious constitutional problem that, Plaintiff's right to counsel and his  
24 Fifth Amendment right for due-process is violated, which causes an  
25 indefinite, perhaps permanent, deprivation of human liberty without any

1 [procedural] protection. This renders Plaintiff's removal proceedings  
2 fundamentally and constitutionally unfair.

3 This injury caused by the Defendants is redressable by an order to  
4 compel the Defendants to adjudicate and approve Plaintiff's application to  
5 grant a group of PRO BONO immigration attorneys entry/access into the James  
6 A. Musick Facility, on a regular, reoccurring basis (at least once a week),  
7 for a reasonable amount of time, in order to establish a "Law Clinic" for the  
8 purpose of providing Plaintiff and other detainees with  
9 uncensored/unmonitored legal counsel for his/their removal proceedings to  
10 which he/they are entitled to by the Constitution of the United States.

11  
12 4. Plaintiff must establish that he has standing to bring this lawsuit. See  
13 Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61, 112 S. Ct. 2130, 119 L.  
14 Ed. 2d 351 (1992). Constitutional standing is satisfied if a Plaintiff  
15 demonstrates "*the now-familiar elements of injury in fact, causation, and*  
16 *redressability.*" Lance v. Coffman, 549 U.S. 437, 439, 127 S. Ct. 1194, 167 L.  
17 Ed. 2d 29 (2007) (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-  
18 61, 112 S. Ct. 2130, 119 L. Ed. 2d 351 (1992)). Plaintiff easily satisfies  
19 these requirements. Plaintiff is presenting himself PRO SE. Plaintiff does  
20 not have counsel. Plaintiff is not a legal professional. Plaintiff has a  
21 right to counsel, to research and write appeals and motions, thus to follow  
22 up all avenues of relief the law makes available to him. Plaintiff requires  
23 legal counsel to follow up all avenues of relief. In order to counsel the  
24 Plaintiff and other detainees in their removal proceedings, a group of PRO  
25 BONO immigration attorneys came on August 12, 2011, to the James A. Musick

1 Facility. These PRO BONO attorneys offered, on a volunteering base, to  
2 establish a "Law Clinic" to give legal counsel to the Plaintiff and other  
3 detainees in regards to his/their removal proceedings. The Defendants denied  
4 these PRO BONO immigration attorneys entry to the James A. Musick Facility.  
5 There is a Law Library at the James A. Musick Facility. But without any legal  
6 training the Law Library in this Facility is of no use for Plaintiff and  
7 other detainees. Plaintiff and most detainees have no legal training. Against  
8 the Plaintiff and the other detainees are working the well educated legal  
9 professionals of the ICE/DHS Chief Counsels office. These legal professionals  
10 have unlimited resources at their disposal. Out of this situation is arising  
11 the serious constitutional problem that, Plaintiff's right to effective  
12 counsel and his Fifth Amendment right for due-process is violated in these  
13 circumstances, which causes an indefinite, perhaps permanent, deprivation of  
14 human liberty without any [procedural] protection. This renders Plaintiff's  
15 removal proceedings fundamentally and constitutionally unfair and is in  
16 violation of federal law for all the foregoing reasons. Only when a "Law  
17 Clinic", consisting out of PRO BONO immigration attorneys who are  
18 volunteering for this "Law Clinic", is established Plaintiff and the other  
19 detainees have a reasonable chance to succeed in his/their removal  
20 proceedings. This is an injury which is sufficiently concrete and  
21 particularized to satisfy the standard in Lujan. See id. Plaintiff's injury,  
22 that he was denied counsel from PRO BONO immigration attorneys who were  
23 coming to the James A. Musick Facility, is due to the fact that the  
24 Defendants denied these PRO BONO immigration attorneys entry to the James A.  
25 Musick Facility, which is "fairly . . . trace[able]" to Defendants' conduct,

1 satisfying the standard for causation. To deny a group of PRO BONO  
2 immigration attorneys entry into the James A. Musick Facility in order to  
3 establish on a volunteering basis a "Law Clinic" is deficient and frivolous  
4 in constitutional terms. Plaintiff is entitled to counsel because it relates  
5 back to his right of pursuing further appeals and petitions in his removal  
6 proceedings and to proof his eligibility to receive LPR status under the  
7 Immigration and Nationality Act and follow up all avenues of relief the law  
8 makes available to him, with this honorable Court and other courts and  
9 authorities which may have more jurisdiction than this one to conduct such a  
10 review. Plaintiff's injury must be redressed by an order to compel the  
11 Defendants to adjudicate and approve Plaintiff's application to grant a group  
12 of PRO BONO immigration attorneys entry/access into the James A. Musick  
13 Facility (13502 James A. Musick Road, Irvine, CA 92618), on a regular,  
14 reoccurring basis (at least once a week), for a reasonable amount of time, in  
15 order to establish a "Law Clinic" for the purpose of providing Plaintiff and  
16 other detainees with uncensored/unmonitored legal counsel for his/their  
17 removal proceedings to which he/they are entitled to by the Constitution of  
18 the United States. This injury caused by the Defendants is redressable by a  
19 favorable decision of this honorable Court. Lujan v. Defenders of Wildlife,  
20 504 U.S. 555, 560-61, 112 S. Ct. 2130, 119 L. Ed. 2d 351 (1992). Plaintiff  
21 therefore has standing to pursue his claim.

22  
23 5. In the alternative another effective redress is that this honorable court  
24 can afford to the Plaintiff, is to compel the Defendant to adjudicate and  
25 approve the immediate release of the Plaintiff on his Own Recognizance or

1 with bond that is reasonable and proportional to Plaintiffs means and cost of  
2 living.

3

4 **JURISDICTION**

5 6. This court has jurisdiction over this lawsuit pursuant to 28 U.S.C. 2201  
6 (jurisdiction to render declaratory judgments); 28 U.S.C. 1361 (mandamus  
7 jurisdiction. Pursuant to 28 U.S.C. § 1361, "The district courts shall have  
8 original jurisdiction of any action in the nature of mandamus to compel an  
9 officer or employee of the United States or any agency thereof to perform a  
10 duty owed to the Plaintiff."); and 28 U.S.C. 1331 (jurisdiction of civil  
11 actions arising under the Constitution and laws of the United States).

12

13 **VENUE**

14 7. Venue lies in the DISTRICT OF CENTRAL CALIFORNIA because the Plaintiff  
15 resided in this district and because the cause of action arises in this  
16 district.

17

18 **PARTIES**

19 8. Mr. Michael Martin Zurek is a native and citizen of Germany. He entered  
20 the United States on March 1994 as a non-immigrant visitor for pleasure and  
21 has lived in the United States ever since. Plaintiff overstayed his visa. He  
22 is being held in detention at the Department of Homeland Security detention  
23 facility James A. Musick in Irvine, California.

24

25

1       9. Defendant Barack Obama, President of the United States of America, is sued  
2       in his official capacity as the President of the United States. He is the  
3       executive officer who has been given authority to manage and control all  
4       branches of the United States Government and as such he is ultimately  
5       responsible for the actions of the Department of Homeland Security. He is the  
6       executive officer who has been given the responsibility to adjudicate and  
7       approve the statutes presented to him by the governmental branches of the  
8       United States and he has been given the responsibility to verify the  
9       constitutionality of the statutes presented to him for approval. As such, he  
10      is responsible for the violation of Plaintiff's constitutional rights by ICE  
11      and DHS. Thus, he is ultimately responsible for the denial of Plaintiff's  
12      constitutional rights, described in this "*Writ of Mandamus*".

13  
14      10. Defendant Troy Lund, Los Angeles Field Office Director, is sued in his  
15      official capacity as the Field Office Director within the State of California  
16      for the Immigration and Customs Enforcement, an office of the Department of  
17      Homeland Security. Defendant Troy Lund is charged by law with the  
18      implementation and enforcement of the immigration laws.

19  
20      11. Defendant Eric Holder, Attorney General, is sued in his official capacity  
21      as the Attorney General of the United States.

22  
23      12. Defendant Janet Napolitano, DHS Secretary, is sued in her official  
24      capacity as the Secretary of the Department of Homeland Security. She is the

1 executive officer who has been given authority to manage and control the  
2 Immigration and Customs Enforcement.

3

4 13. Defendant Sandra Hutchens, Sheriff and Coroner of Orange County, is sued  
5 in her official capacity as the Sheriff of Orange County. She is the  
6 executive officer who has been given authority to manage and control the  
7 Orange County Sheriff's Department and thus the James A. Musick Jail in  
8 Irvine California, East-Delta barracks in which Plaintiff is incarcerated,  
9 thus she is ultimately responsible for the grossly constitutional deficient  
10 decision to deny Plaintiff and other detainees PRO BONO counsel. She is also  
11 the ultimate physical custodian of the Plaintiff.

12

13 **STATEMENT OF FACTS**

14 14. Mr. Michael Martin Zurek is a native and citizen of Germany. He entered  
15 the United States on March 1994 as a non-immigrant visitor for pleasure and  
16 has lived in the United States ever since. Plaintiff overstayed his visa. He  
17 is being held in detention at the Department of Homeland Security detention  
18 facility James A. Musick in Irvine, California. Plaintiff applied for relief  
19 from removal to Germany in the form of asylum, withholding of deportation,  
20 and CAT. At the conclusion of the merits hearing on March 3, 2011, the  
21 Immigration Judge denied the application for asylum because of the 1 year  
22 bar, but granted "*Withholding of Removal*" from Germany. The Government  
23 attorney timely filed his Notice of Appeal on March 3, 2011, the same day of  
24 the trial. Despite the fact that Plaintiff won his case six (6) months ago,  
25 the Plaintiff is currently detained. He is detained since eleven (11) months.

1  
2 15. Mr. Michael Martin Zurek has a criminal record. He has been convicted of  
3 one misdemeanor in the last ten (10) years. He has never been involved in any  
4 drug related or violent crimes.

5  
6 16. Plaintiff has exhausted all administrative remedies that are available to  
7 him.

8  
9 **CAUSE OF ACTION**

10 17. Plaintiff a right to counsel in his removal proceedings, to pursue  
11 further appeals and petitions in his removal proceedings and follow up all  
12 avenues of relief the law makes available to him, with this honorable Court  
13 and other courts and authorities which may have more jurisdiction than this  
14 one to conduct such a review.

15  
16 18. Plaintiff, in PRO SE, is detained since eleven (11) months by ICE/DHS.  
17 Plaintiff, who is unable to obtain counsel due to the fact that he has no  
18 money to pay for counsel. During the time of his incarceration Plaintiff was  
19 not able to work and thus did not earn any money. Therefore Plaintiff relies  
20 for the purposes of pursuing further appeals of his removal proceedings and  
21 to proof his eligibility to receive LPR status under the Immigration and  
22 Nationality Act, on PRO BONO counsel.

23  
24 19. On August 12, 2011, a group of PRO BONO immigration attorneys came to the  
25 James A. Musick Facility, in Irvine California. These PRO BONO immigration

1 attorneys intended to volunteer for the establishment of a "Law Clinic" at  
2 this location. Within the framework of such a "Law Clinic" these PRO BONO  
3 immigration attorneys planned to offer free legal counsel for the Plaintiff  
4 and other detainees in their removal proceedings. Notwithstanding the fact  
5 that the Plaintiff and the other detainees have a right to counsel, this  
6 group of PRO BONO immigration attorneys was denied entry to this location by  
7 the Defendants. By doing so, the Defendants violated Plaintiff's and other  
8 detainees right to counsel and his/their Fifth Amendment right for due-  
9 process. These volunteers who came to help the Plaintiff and other detainees  
10 were turned around and banned from the James A. Musick Facility indefinitely.  
11 This denial of PRO BONO counsel for the Plaintiff and other detainees is  
12 grossly defective in constitutional terms and thus is unreasonable ("The  
13 entire process, not merely the original removal hearing, is subject to the  
14 constitutional requirement of reasonability.") (quoted in Oyedeleji, 332 F.  
15 Supp.2d at 754). This renders Plaintiff's removal proceedings fundamentally  
16 and constitutionally unfair and is in violation of federal law for all the  
17 foregoing reasons.

18

19 20. That there is, as of right now, no "Law Clinic" available gives rise to a  
20 phenomena which the Plaintiff would like to call the "Hangman Syndrome". It  
21 means that within the population of the detainees certain individuals take on  
22 the air of an immigration attorney, pretend to be educated in the field of  
23 Immigration Law. They come from the same primitive social backward  
24 backgrounds as their clients, have absolutely no legal education, usually  
25 have no education at all, have self taught themselves some basic computer

1 skills which enables them to use a word processor like "Microsoft Word",  
2 usually speak only rudimentarily English and charge their "clients"  
3 commissary items for their "help". In essence these "Hangmen" do not know  
4 what they are doing in a legal sense, they make up motions, petitions and  
5 appeals as they go. They produce non-sense "Declarations" and "Statements".  
6 These are narcissistic personalities who like to see themselves in the role  
7 of a savior, somebody who helps his fellow inmates and earns commissary items  
8 while they are doing it. Their "clients" would be by far better off if none of  
9 these "Hangmen" would help them. Whatever they do has no positive legal  
10 impact on their "clients" case. They file the wrong motions and petitions in  
11 a wrong format, in very bad English to the wrong courts. They do not observe  
12 filing deadlines and thus file too late or not all when they are writing to  
13 the wrong court. Plaintiff calls this the "*Hangman Syndrome*", because  
14 whomever these "Hangmen" "help", the cases of these detainees are doomed and  
15 thus they are removed/deported from the United States for the above reasons,  
16 for the faulty work the "Hangman" delivers. As of the writing of this  
17 petition there is working one Hangman in East-Delta barracks and one Hangman  
18 in East-Echo barracks with the knowledge of ICE/DHS and the guards of the  
19 James A. Musick Facility. This renders the detainees removal proceedings  
20 fundamentally unfair and amounts to a violation of their right to effective  
21 counsel and their Fifth Amendment right for due-process. Only in a "Law  
22 Clinic" framework, such disgraces, morally and constitutionally, like the  
23 "*Hangman Syndrome*" will not develop. It is imperative that this "*Hangman*  
24 *Syndrome*" is not allowed to go on any longer. It is not acceptable under ANY  
25 circumstances, that in a society, like in the United States, where knowledge

1 and reason rule, that there are working with the knowledge of ICE/DHS and the  
2 Orange County Sheriffs Department at the James A. Musick Facility "Hangmen",  
3 "Magicians" and "Witchdoctors" in a position of legal authority. That there  
4 are people who impress with their superstition, make believe and magic on  
5 their "clients" that what they are doing is the right thing for the detainees  
6 cases. But in effect these Witchdoctors and Hangmen support ICE/DHS in their  
7 determination to remove/deport as many detainees as possible. Only with an  
8 uncensored and unmonitored PRO BONO "Law Clinic" are the detainees able to  
9 follow up all avenues of relief the law makes available to them, with this  
10 honorable Court and other courts and authorities which may have more  
11 jurisdiction than this one to conduct such reviews.

12

13 21. The James A. Musick Facility, East-Delta and East-Echo barracks, has a  
14 Law Library. This Law Library is predominantly used by ICE/DHS and the Orange  
15 County Sheriffs Department as a "show piece" during tours by members of the  
16 ACLU, various consulates and other immigration rights advocate groups to show  
17 "how good the detainees are treated". At least once a month representatives  
18 of the Orange County Sheriffs Department and ICE/DHS show this non working  
19 example of a Law Library off to "tour groups" from the outside. In the  
20 speeches held during these tours by the representatives of the Orange County  
21 Sheriffs Department and ICE/DHS it is always pointed out that a lot of money  
22 and effort is spend to facilitate this Law Library which consists only out of  
23 six (6) terminals.

24 It is never mentioned in these speeches that more than 250 detainees  
25 are waiting to use these six (6) computer terminals and what kind of

1 functionality and benefits this Law Library is to provide to the 250  
2 detainees. While listening to these speeches it is easy to see that the  
3 representatives of ICE/DHS and the Orange County Sheriffs Department  
4 themselves have no idea, knowledge or plan what these six (6) terminals are  
5 supposed to do for the 250 detainees. It seems that just the physical  
6 presence of something what resembles a computer, working or not, is  
7 considered a good thing by ICE/DHS and the Orange County Sheriffs Department;  
8 it is something that will benefit all the 250 detainees somehow. It is  
9 erroneous to believe that the mere presence of six (6) computer terminals  
10 with a word processor, some immigration forms and an immigration database  
11 will benefit a population of more than 250 detainees, to which they have  
12 access only for two (2) hours or less every day, if one of the 250 detainees  
13 is lucky enough to secure a spot at one of the six (6) terminals.

14 It is never mentioned in these speeches by the Orange County Sheriffs  
15 Department and ICE/DHS that there are no instructions given whatsoever in how  
16 to use the Law Library. It is never mentioned in these speeches that most  
17 detainees are barred from using this Law Library because there are only six  
18 (6) computer terminals for more than 250 detainees and because of their poor  
19 or no-existent education and language barrier. In these speeches it will be  
20 never mentioned that a group of PRO BONO immigration attorneys came on August  
21 12, 2011 to the James A. Musick Facility to counsel the Plaintiff and other  
22 detainees with their removal proceedings in order to give Plaintiff and the  
23 other detainees a chance in succeeding in their cases. In these speeches it  
24 will be never mentioned that upon their arrival at the James A. Musick  
25 Facility these PRO BONO immigration attorneys were prohibited to enter the

1 facility and thus were not allowed to give to the Plaintiff and other  
2 detainees legal counsel for their removal proceedings. In these speeches it  
3 will be never mentioned that within the framework of a "Law Clinic" these PRO  
4 BONO immigration attorneys would have offered free legal advise for the  
5 Plaintiff's and other detainees removal proceedings. In these speeches it  
6 will be never mentioned that the Orange County Sheriffs Department and  
7 ICE/DHS has only two goals:

- 8
- 9       a) To deny the Plaintiff and other detainees of his/their right to  
10           counsel and his/their Fifth Amendment right for due-process and  
11       b) to remove/deport the Plaintiff and as many detainees as possible,  
12           regardless of their constitutional rights.

13

14       This shows that frivolousness and unreasonableness permeates every  
15 aspect of ICE/DHS's position towards Plaintiff's right to counsel and his  
16 Fifth Amendment right for due-process and the other detainees right to  
17 counsel and their Fifth Amendment right for due-process. There is no  
18 justification for ICE/DHS's position to deprive Plaintiff and other detainees  
19 of counsel to advise him/them in his/their removal proceedings and it shows  
20 how egregiously wrongheaded the Defendants and particularly ICE/DHS behaves  
21 in this matter.

22

23 22. In sum, Plaintiff brings this Complaint for mandamus, declaratory and  
24 injunctive relief to compel the Defendants to adjudicate and approve  
25 Plaintiff's application to grant a group of PRO BONO immigration attorneys

1 entry/access into the James A. Musick Facility, on a regular, reoccurring  
2 basis (at least once a week), for a reasonable amount of time, in order to  
3 establish a "*Law Clinic*" for the purpose of providing Plaintiff and other  
4 detainees with uncensored/unmonitored legal counsel for his/their removal  
5 proceedings to which he/they are entitled to by the Constitution of the  
6 United States. Defendants must be NOT allowed to refuse these PRO BONO  
7 attorneys access to the Plaintiff and the detainees at the James A. Musick  
8 Facility. A charitable immigration support organization, and there are many,  
9 should provide, free, PRO BONO, legal counsel for the Plaintiff's and other  
10 detainees immigration cases.

11

12 23. The Plaintiff complained verbally and in writing about this situation.  
13 Plaintiff filed on July 28, 2011 with this honorable Court a "Writ of  
14 Mandamus", a "*Petition to Order the Adjudication of Entitlement for*  
15 *Reasonable use of the Law Library*". The Defendants never responded, which is  
16 not justified to any degree that could satisfy a reasonable person.

17 In the alternative another effective redress is that this honorable  
18 court can afford to the Plaintiff, is to compel the Defendant to adjudicate  
19 and approve the immediate release of the Plaintiff on his Own Recognizance or  
20 with bond that is reasonable and proportional to Plaintiff's means and cost  
21 of living. Not allowing Plaintiff and other detainees to have access to PRO  
22 BONO counsel in the framework of a "*Law Clinic*" or immediate release of the  
23 Plaintiff is arbitrary and capricious, based on an erroneous interpretation  
24 of the law, and constitutes abuse of discretion. Defendant has acted in  
25 violation of the Plaintiff's Fifth Amendment right for Due Process and Sixth

1 Amendment right for effective counsel and Fourteenth Amendment right of the  
2 United States Constitution.

3

4 24. For all of the foregoing reasons the Plaintiff is faced with  
5 frivolousness and unreasonableness which permeates every aspect of the  
6 decision not to allow PRO BONO immigration attorneys entry to the James A.  
7 Musick Facility by the egregiously wrongheaded Defendants. Plaintiff is  
8 confronted with a denial of his constitutional right of counsel and multiple  
9 violations of his Fifth Amendment right to due process and Sixth Amendment  
10 right to counsel that renders Plaintiff's removal proceedings fundamentally  
11 unfair. Out of this situation is arising the serious constitutional problem  
12 that, Plaintiff's right to counsel and his Fifth Amendment right for due-  
13 process is violated in these circumstances, which causes an indefinite,  
14 perhaps permanent, deprivation of human liberty without any [procedural]  
15 protection. This renders Plaintiff's removal proceedings fundamentally and  
16 constitutionally unfair and is in violation of federal law for all the  
17 foregoing reasons.

18

19 25. In the Plaintiff's humble opinion it should be considered if all these  
20 violations of his constitutional rights not also apply to every ICE/DHS  
21 detainees at the James A. Musick Facility since the beginning when ICE/DHS  
22 started to house ICE/DHS detainees at the James A. Musick Facility. Every  
23 ICE/DHS detainee, who was detained in this facility at any time, has his  
24 constitutional rights violated by the Defendants unwillingness to allow PRO  
25 BONO immigration attorneys access to the James A. Musick Facility in order to

1 establish a "Law Clinic" for the purpose of providing Plaintiff and other  
2 detainees with the uncensored/unmonitored legal counsel to which he/they are  
3 entitled to by the Constitution of the United States.

4 All their cases, past and present, should be reviewed by this honorable  
5 Court and reopened to assure all these detainees had the benefit of the full  
6 protection of the Constitution of the United States.

7

8 26. Denying the Plaintiff PRO BONO legal counsel means de facto *razing* the  
9 system of constitutional protections for the Plaintiff and thus it does not  
10 satisfy the Due Process Clause and is therefore "*structurally not sound*" in  
11 constitutional terms. These constitutional protections are one of the most  
12 precious possessions our nation has. It is the foundation of freedom. Yours,  
13 your honor, the Defendants and the Plaintiff's. If the Defendants are allowed  
14 to strip Plaintiff of his fifth and fourteenth amendment rights, if the  
15 Defendants are allowed to deny Plaintiff his right to counsel and to his  
16 liberty, then the United States would cease to exist as a free nation.

17

18 **REQUEST FOR RELIEF**

19 27. Plaintiff Mr. Michael Martin Zurek requests the following relief:

20

21 a) Plaintiff is seeking relief from this honorable Court by an order  
22 mandating that Defendants declare the denial to grant a group of PRO  
23 BONO immigration attorneys entry to the James A. Musick Facility in  
24 order to establish a "Law Clinic" for the purpose of providing  
25 Plaintiff with the uncensored/unmonitored legal counsel to which he is

1           entitled to by the Constitution of the United States Erroneous and  
2           Deficient in order to establish redressability;

3           b) the effective redress that this honorable Court can afford the  
4           Plaintiff is to compel the Defendant to adjudicate and approve that a  
5           group of PRO BONO immigration attorneys has the right to enter the  
6           James A. Musick Facility on a regular, reoccurring basis (at least once  
7           a week), for a reasonable amount of time, in order to establish a "Law  
8           Clinic" for the purpose of providing Plaintiff and other detainees with  
9           uncensored/unmonitored legal counsel for his/their removal proceedings  
10          to which he/they are entitled to by the Constitution of the United  
11          States;

12          c) that this honorable Court issues a "Restraining Order" against the  
13          Defendants to prevent that Defendants do not grant PRO BONO immigration  
14          attorneys access to the James A. Musick Facility and deny the  
15          establishment of a "Law Clinic";

16          d) that this honorable Court issues a "Restraining Order" against the  
17          Defendants to prevent that the Defendants censor and control the  
18          program, services offered and the scope of the legal advise offered  
19          within the framework of a "Law Clinic";

20          e) in the alternative that this honorable Court orders the Government to  
21          release Plaintiff immediately on his Own Recognizance to pursue avenues  
22          of relief to which he is entitled by law independently of PRO BONO  
23          legal advise within the scope of a "Law Clinic" on the "outside";

24          f) in the alternative that this honorable Court orders the Government to  
25          release Plaintiff immediately from ICE/DHS custody either without bond

1 or with bond that is reasonable and proportional to Plaintiff's means  
2 and cost of living to pursue avenues of relief to which he is entitled  
3 by law independently of PRO BONO legal advise within the scope of a  
4 "Law Clinic" on the "outside";

5 g) in the alternative, to provide Plaintiff with an immigration attorney,  
6 a "public defender", for his immigration case paid in full by the  
7 Defendants, ICE/DHS, to pursue avenues of relief to which he is  
8 entitled by law, independently of PRO BONO legal counsel within the  
9 scope of a "Law Clinic"; and

10 h) such other relief as is just and reasonable.

11  
12 I affirm, under penalty of perjury, that the foregoing is true and correct.  
13

14 *Zardeck*

08-19-2011

15 (print your name)  
16 Plaintiff *Melanie Starfire Zardeck* (todays date)  
17 (print your name)  
*A 200 475 250*  
18 (use these two lines to write your mailing address)  
*13302 Oceanside Road*  
*Irvine, CA 92668*

**CERTIFICATE OF SERVICE**

Michael Martin Zurek

A 200-975-250

**THE UNDERSIGNED DECLARER:**

On August 19, 2011 I served a copy of

Petition to Order the Adjudication of Entitlement for the Establishment of a

Law Clinic

Michael Martin Zurek v. Barack Obama et al.

by depositing it as 1<sup>st</sup> class mail in the detention facilities mail box

10 at James A. Musick Facility, Delta-Barracks, in Irvine California, in an

11 envelope bearing the requisite postage, addressed as follows:

Barack OBAMA

President of the United States of America

1600 Pennsylvania Ave. NW

Washington, DC 20230

Eric HOLDER

Attorney General of the United States

950 Pennsylvania Ave. NW

Washington, DC 20530-0001

1 Field Office Director Troy Lund  
2 Immigration and Customs Enforcement  
3 Department of Homeland Security  
4 300 N. Los Angeles Street  
5 Los Angeles, CA 90012  
6

7 Secretary of Homeland Security Janet Napolitano  
8 Dep. Of Homeland Security  
9 245 Murray Drive, SE. Bld. 410  
10 Washington, DC 20538  
11

12 Office of Chief Counsel  
13 Immigration and Customs Enforcement  
14 606 South Olive Street, 8<sup>th</sup> Floor  
15 Los Angeles, CA 90014  
16

17 Office of Immigration Litigation  
18 P O BOX 848  
19 Washington, DC 20044  
20

21 Sandra HUTCHENS  
22 Sheriff and Coroner of Orange County  
23 550 Flower Street  
24 Santa Ana, CA 92703  
25

1 I declare under penalty of perjury that the foregoing is true and  
2 correct. Executed at Irvine, California on August 19, 2011.  
3  
4  
5



6 Michael Martin Zurek  
7 BK #: 25 98 420  
IN PRO PER  
James A. Musick Facility  
13502 James Musick Road  
Irvine, CA 92618  
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